

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

	X	
	:	
SKYLINE STEEL, LLC,	:	
	:	
	:	Civil Action No. 13 Civ. 8171 (JMF)
Plaintiff,	:	
	:	
	:	JURY TRIAL REQUESTED
v.	:	
	:	
PILEPRO, LLC,	:	
	:	
	:	
Defendant.	:	
	:	
	X	

**DECLARATION OF BRET D. TINGEY  
IN SUPPORT OF MASCHOFF BRENNAN’S MOTION TO WITHDRAW AS COUNSEL  
OF RECORD FOR DEFENDANT PILEPRO, LLC**

I, Bret D. Tingey, under penalty of perjury, hereby declare as follows:

1. I am an attorney with the law firm of Maschoff Brennan Laycock Gilmore Israelsen & Wright PLLC (“Maschoff Brennan”), counsel for defendant and counterclaimant PilePro, LLC (“PilePro”) in the above-titled action, and I am admitted *pro hac vice* before this Court.

2. I am familiar with the facts of this case and Maschoff Brennan’s relationship with PilePro and I make this declaration in support of Maschoff Brennan’s Motion to Withdraw as Counsel of Record for PilePro.

3. Maschoff Brennan requests that the Court grant its Motion to Withdraw because PilePro has failed to pay its attorney fees and litigation costs associated with the above-captioned matter.

4. On October 15, 2015, PilePro entered into an Engagement Agreement with Maschoff Brennan for legal services relating to PilePro’s patent litigation and counseling needs.

5. PilePro contracted in its Engagement Agreement with Maschoff Brennan to make full payment on all invoices within thirty days of receipt. PilePro has agreed that Maschoff Brennan had the right to withdraw from representation if payments were not made.

6. To date, PilePro has only paid a negligible amount toward the balance owed to Maschoff Brennan and has provided no assurances that any amounts will be paid in the future.

7. PilePro and lead counsel Shumway Van & Hansen were given notice of Maschoff Brennan’s motion to withdraw and neither will oppose the withdrawal.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Salt Lake City, Utah on January 29, 2015

By: /s/ Bret D. Tingey  
Bret D. Tingey